

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**In re**

**NIGEL G. WORRALL  
MARION J. WORRALL,**

**CASE NO. 13-03516-KSJ  
CHAPTER 7**

**DEBTORS.**

**VERIFIED MOTION TO AVOID JUDICIAL LIEN FIRST SOUTHERN BANK AND  
NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING**

**NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING**

Pursuant to Local Rule 2002-4, the Court will consider this motion, objection or other matter without further notice or hearing unless a party in interest files an objection within thirty (30) days from the date this paper is entered on the docket. If you object to the relief requested in this paper, you must file your objection with the Clerk of the Court at 400 W. Washington St., Suite 5100, Orlando, Florida 32801 and serve a copy on the Debtor's attorney, Brian M. Mark, Esquire, Brian Michael Mark, P.A., 100 Church Street, Kissimmee, Florida 34741.

If you file and serve an objection within the time permitted, the Court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the Court will consider that you do not oppose the granting of the relief requested in the paper, will proceed to consider the paper without further notice or hearing and may grant the relief requested.

COMES NOW DEBTORS, Nigel G. Worrall and Marion J. Worrall, by and through their undersigned attorney and moves this Court for a Final Judgment in Avoidance of Lien under 11 U.S.C. Sec. 522(f), and as reasons, therefore, would state as follows:

1. Debtors previously filed a voluntary bankruptcy petition in this Court on March 25, 2013.
2. That the date for filing an Adversary Proceeding was July 1, 2013. As of the date of the filing of this Motion, no actions have been commenced.
3. Debtor has filed this motion pursuant to 11 U.S.C. Sec. 522(f) to void a Judgment which is a lien on the property of the Debtor.

4. A copy of the certified Summary Final Judgment of First Southern Bank, a successor in interest to First Commercial Bank of Florida, by assignment from the FDIC as receiver for First Commercial Bank of Florida vs. Marion J. Worrall and Nigel G. Worrall, entered January 31, 2013, and recorded in Official Records Book 4397, Page 1872, of the Public Records of Osceola County, Florida is attached hereto as Exhibit A.

5. A Discharge was entered on July 12, 2013 (Docket No.: 32).

6. The existence of the Creditor's lien or claim of such lien on Debtors' homestead property, personal property and/or future homestead property, impairs exemptions allowed to the Debtor pursuant to Article X, Section 4, of the Constitution of the State of Florida, and Chapter 222 of the Florida Statutes, and case law applicable thereto.

WHEREFORE, Debtor moves this Court for a Judgment against the Creditor, First Southern Bank, for the cancellation and avoidance of the Final Judgment which is a lien against the property of Debtor and for such other and further relief as is just and proper.

DECLARATION OF DEBTOR

We, Nigel G. Worrall and Marion J. Worrall, do hereby declare under penalty of perjury, that we have read the proceeding Motion, and that it is true and correct to the best of our knowledge, understanding and belief.

Date: 13 Nov 13

Signature

  
Nigel G. Worrall

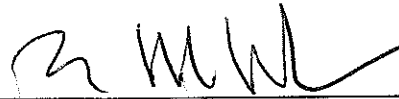
Date: 11/13/13

Signature

  
Marion J. Worrall

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. First Class Mail, postage prepaid, this 16<sup>th</sup> day of November, 2013 to Michael Nardella, Esq., Burr Forman, 200 South Orange Ave., Suite 800, Orlando, FL 32801.

A handwritten signature in black ink, appearing to read 'B M Mark', is written over a horizontal line.

Brian M. Mark, Esquire  
Florida Bar No. 134207  
BRIAN MICHAEL MARK, P.A.  
100 Church Street  
Kissimmee, FL 34741  
Telephone: (407) 932-3933  
Telecopier: (407) 932-3965  
ATTORNEY FOR DEBTORS

IN THE CIRCUIT COURT OF THE NINTH  
JUDICIAL CIRCUIT, IN AND FOR  
OSCEOLA COUNTY, FLORIDA

FIRST SOUTHERN BANK, successor in  
interest to FIRST COMMERCIAL BANK  
OF FLORIDA, by assignment from the  
FDIC as receiver for FIRST  
COMMERCIAL BANK OF FLORIDA,

Plaintiff,

v.

NAMRAS, LLC, a Florida limited liability  
company, MARION J. WORRALL, an  
individual, NIGEL G. WORRALL, an  
individual, GUISEPPI D'AMICO, an  
individual, JOSEPHINE D'AMICO, an  
individual, AGRIPPINO INCATASCIATO,  
an individual, MARIA INCATASCIATO,  
an individual, SPA 420, INC., a Florida  
corporation, HYE RODRIGUEZ, an  
individual, ALLIED DEVELOPMENT  
GROUP, INC., a Florida corporation,  
ERICK DIAZ, an individual, UNKNOWN  
TENANTS in possession of Parcel 1, and  
UNKNOWN TENANTS in possession of  
Parcel 2,

Defendants.

Filed in open Court this  
31<sup>st</sup> day of January  
A.D. 2013  
ARMANDO RAMIREZ, CLERK  
By sa D.C.

CASE NO: 2012-CA-001817



CFN 2013026473  
Bk 4397 Pgs 1872-1874 (3 Pgs)  
DATE: 02/18/2013 12:02:35 PM  
ARMANDO RAMIREZ, CLERK OF COURT  
OSCEOLA COUNTY  
RECORDING FEES \$27.00  
EXTRA NAMES \$10.00

FINAL JUDGMENT AS TO COUNT V AND COUNT VI

This matter came before the Court on Plaintiff's Motion for Default Final Judgment  
Against the Defaulted Defendants and Motion for Summary Judgment Against the Answering  
Defendants (the "Motion") filed by Plaintiff, First Southern Bank, a Florida banking corporation  
("First Southern" or "Plaintiff"), and the Court having considered the Motion and being  
otherwise fully advised in the premises, it is hereby:

**ORDERS AND ADJUDGES THAT**

1. This Court has jurisdiction of the subject matter and the parties. The allegations

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contained in Plaintiff's Complaint have been proven by competent evidence and the equities are with the Plaintiff.

2. The pleadings, affidavits and admissions on file show that there is no genuine issue as to any material fact, and that the Plaintiff is entitled to a judgment against Marion J. Worrall, an individual ("M. Worrall"), Nigel G. Worrall, an individual ("N. Worrall").

3. The Motion is **GRANTED** as to M. Worrall and N. Worrall.

4. First Southern Bank shall have, receive, and recover from M. Worrall and N. Worrall jointly and severally, judgment in the sum of \$1,006,105.67 (consisting of \$820,029.38 in principal, \$139,702.33 in interest, \$1,874.47 in late fees, \$3,585.00 in appraisal fees, \$28,336.99 in real estate taxes, \$9,439.50 in attorneys' fees, and \$3,138.00 in costs), which amount shall accrue interest at the per annum rate specified by the State of Florida Comptroller pursuant to Section 55.03, *Florida Statutes*, which rate is currently 4.75%, for which amount let execution issue.

5. In awarding Plaintiff's attorney's fees, this Court has taken into consideration the relevant guidelines set forth in Standard Guaranty Insurance Co. v. Quanstrom, 555 So. 2d 828 (Fla. 1990), and its progeny, and specifically finds that the hours, hourly rates, and total fees of Plaintiff's counsel in this matter, as set forth in the affidavits submitted in support of Plaintiff's Motion, are reasonable pursuant to Section 687.06, *Florida Statutes*.

6. The address of First Southern Bank is 900 N. Federal Highway, Suite 300, Boca Raton, Florida 33432.

7. The last known address of M. Worrall and N. Worrall is 4620 Cumbrian Lakes Drive, Kissimmee, Florida 34746.

8. It is further ordered and adjudged that M. Worrall and N. Worrall complete under oath Florida Rule of Civil Procedure Form 1.977 (Fact Information Sheet), including all required

attachments, and serve it on the Plaintiff's attorney within forty-five (45) days from the date of this Judgment, unless the Judgment is satisfied or post-judgment discovery is stayed.

9. The Court reserves jurisdiction over the parties and the subject matter to conduct such proceedings and enter such further orders as may be proper, including, but not limited to, orders concerning discovery in aid of execution, garnishment, attachment and proceedings supplementary.

**DONE AND ORDERED** in Kissimmee, Osceola County, Florida, this 31<sup>st</sup> day of January, 2013.

JOHN E. JORDAN, Circuit Judge

Copies Furnished To:

Christopher S. Linde, Esquire, Burr & Forman LLP, [clinde@burr.com](mailto:clinde@burr.com), 200 S. Orange Avenue, Suite 800, Orlando, Florida 32801

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Min H. So, Min H. So Law Firm, P.A., [min@minisolaw.com](mailto:min@minisolaw.com) and [minisolaw@cfi.fl.com](mailto:minisolaw@cfi.fl.com), 5401 S. Kirkman Road, Suite 310, Orlando, Florida 32819;

Domenica A. Eddy, Law Office of Domenica Eddy, [Deddy1013@aol.com](mailto:Deddy1013@aol.com), 1013 Emmett Street, Kissimmee, Florida 34741;

HO  
Marion Worrall and Nigel Worrall 4620 Cumbrian Lakes Drive, Kissimmee, Florida 34746;

NAMRAS, c/o Marion J. Worrall, Registered Agent, 4924 W. Irle Bronson Memorial Highway, Kissimmee, Florida 34746;

Allied Development Group, Inc., c/o Erick Diaz, Registered Agent, 1861 So. Patrick Drive, Suite 134, Indian Harbour Beach, Florida 32937; and

Erick Diaz, 1861 So. Patrick Drive, Suite 134, Indian Harbour Beach, Florida 32937

